

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
AT JACKSON**

<b>LOUISE GRAVES by and through</b>	)	
<b>CHUCK GRAVES,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 1:22-CV-02296-STA-JAY</b>
	)	<b>Chief District Judge S. Thomas Anderson</b>
<b>AUTO OWNERS INSURANCE</b>	)	<b>Magistrate Judge Jon A. York</b>
<b>COMPANY,</b>	)	
	)	
<b>Defendant.</b>	)	

**MOTION FOR SANCTIONS**

Comes now Defendant, Auto-Owners Insurance Company ("Auto-Owners"), by and through counsel pursuant to Fed. R. Civ. P. 26 and 37(b)(2)(A), and hereby moves this Honorable Court for an order of dismissal with prejudice as sanctions on Plaintiff for her willful refusal to comply with Court Orders and for continued failure to serve her Rule 26 Initial Disclosures, and for Defendant's reasonable expenses, including attorneys' fees for bringing such Motion. In support of this Motion, Auto-Owners would state as follows:

1. The parties were required to exchange Rule 26 Initial Disclosures on or before August 3, 2022, pursuant to the Court's Scheduling Order entered in this matter. (Doc. 17).
2. Defendant served its Rule 26 Initial Disclosures upon counsel for the Plaintiff on August 3, 2022. See Defendant's Notice of Service of Initial Disclosures. (Doc. 15).
3. Plaintiff failed to serve her Initial Disclosures by the time required in the Court's Scheduling Order.

4. After unsuccessful attempts to secure Plaintiff's Initial Disclosures, Defendant filed a Motion to Compel Plaintiff's Rule 26 Initial Disclosures on November 28, 2022, due to Plaintiff's failure to serve Initial Disclosures. (Doc. 34).

5. This Honorable Court granted Defendant's Motion to Compel and ordered Plaintiff to provide Defendant with Initial Disclosures that are compliant with Rule 26 of the Federal Rules of Civil Procedure no later than January 9, 2023. (See Doc. 41).

6. As of the date of this Motion, Plaintiff has refused to provide Defendant with compliant Rule 26 Initial Disclosures.

7. Defendant moves this Honorable Court for an Order dismissing this action, with prejudice as sanctions against the Plaintiff for her refusal to comply with this Court's Orders. As a result of Plaintiff's refusal, Auto-Owners cannot move forward with the defense of this case with the very limited information currently presented.

8. Plaintiff has demonstrated a willful refusal to comply with this Honorable Court's Orders and Auto-Owners has been prejudiced in its investigation and defense of the case due to Plaintiff's continued refusal to provide Initial Disclosures compliant with FRCP 26.

9. In addition to dismissal of this case, Defendant respectfully requests this Honorable Court order Defendant to pay its reasonable expenses, including attorneys' fees, for bringing such Motion under Rule 37(b)(2)(C) of the Federal Rules of Civil Procedure.

**WHEREFORE**, based upon the foregoing, Defendant requests an Order: (1) dismissing of this case, with prejudice, as sanctions against Plaintiff for her refusal to comply by both, the Court's Scheduling Order (Doc. 17) and the Court's Order (Doc. 41) granting defendant's motion to compel and ordering Plaintiff to serve her Rule 26 Initial Disclosures;

(2) awarding Defendant its reasonable expenses, including attorneys' fees for bringing this Motion under Rule 37; and (3) any additional relief the Court deems equitable and just.

Respectfully submitted,

s/Matthew B. Rogers

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**LOCAL RULE 7.2(a)(1)(B) CERTIFICATE OF CONSULTATION**

**COUNSEL FOR DEFENDANT CERTIFIES THAT HE HAS ATTEMPTED TO CONSULT WITH PLAINTIFF'S COUNSEL IN A GOOD FAITH EFFORT TO RESOLVE THE DISCOVERY DISPUTE AND THAT THOSE EFFORTS HAVE NOT BEEN SUCCESSFUL.**

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>st</sup> day of February, 2023, a true and correct copy of the foregoing MOTION FOR SANCTIONS was filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U. S. Mail. Parties may access this file through the court's electronic filing system.

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s/Matthew B. Rogers  
**MATTHEW B. ROGERS**

PTC:  
MBR:mbr